

## RESOLUTION #2015-04

### **Town of Polk Opposes the Petition of the Wisconsin & Southern Railroad, LLC and Wisconsin Central Ltd for the Closure of the Public Crossings of their tracks with Fond du lac Drive in the Town of Polk, Washington County, State of Wisconsin.**

**WHEREAS**, Wisconsin & Southern Railroad, LLC and Wisconsin Central Ltd have petitioned the Office of The Commissioner of Railroads for the closure of the Public Crossings of their tracks with Fond du lac Drive in the Town of Polk, Washington County, State of Wisconsin; and

**WHEREAS**, The Town Board of the Town of Polk represents the best interest of it's residents and property owners; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Polk Town Board of Washington County, State of Wisconsin, does hereby oppose the petition submitted by the Wisconsin & Southern Railroad, LLC and Wisconsin Central Ltd to the Office of The Commissioner of Railroads for the closure of the Public Crossings of their tracks with Fond du lac Drive in the Town of Polk, Washington County, State of Wisconsin; and

#### **WE HEREBY STATE INTO RECORD THE FOLLOWING:**

To the Office of the Commissioner of Railroads; Jeff Plale, Commissioner,

We wish to thank Douglas S Wood, Hearing Examiner, for conducting the hearing at the Town of Polk Hall on October 1, 2014, listening to public comments on the subject and objectively reviewing facts and findings in favor of the Town residents.

The proposed decision by Examiner Wood to have the installation of "channelization devices" on Fond du lac Drive is a reasonable safety procedure. The Town respectfully requests the Wisconsin & Southern Railroad, LLC and Wisconsin Central Ltd to share in the initial cost of installing the "channelization" devices since the Office of the Commissioner of Railroads has paid the \$200,000.00 signaling upgrading; but the railroads that initialized this proceeding are asked to provide entry permits, flagging and reimburse the cost of insurance required by the Town. The town respectfully requests the **shared cost** of materials for the installation of the **"Transferable Raised Curb System"** installed by Town of Polk Highway Department, and the railroads provide the "Right of Entry Permits" required by the railroads so Town crews are able to install and continually maintain the dividers "as required" without renewal of "Entry Permits" any time maintenance needs to be done, along with the necessary flagging and insurance if required by the railroads.

Installing 60 feet of dividers on the eastbound side (west) of crossing, along with 45 feet of dividers on the westbound (east) side of the crossing should not deter driveway access to the neighbor on the east of the site. There is no benefit from dividers between the Wisconsin & Southern Railroad LLC tracks and the Wisconsin Central Ltd. tracks.

The inclusion of these conditions into the final decision from your office would be appreciated.

Adopted March 10, 2015 and Posted/Published per Wis Stats.

\_\_\_\_\_ Town Chairman, Albert Schulteis.

\_\_\_\_\_ Supervisor, Robert Roecker.

\_\_\_\_\_ Supervisor, Ted Merten.

ATTEST:

\_\_\_\_\_ Town Clerk, Marlyss K. Thiel